

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

WEST BEND INSURANCE COMPANY, )  
                                      )  
                                    Plaintiff, )  
                                      )  
                                   v.    ) No. 3:24-cv-00038-RLY-CSW  
                                      )  
                                   )  
INTEGRITY BACKYARD BUILDS, LLC, )  
TIMOTHY BROWN,                    )  
MEGAN BROWN,                    )  
                                   )  
                                 Defendants. )

**ORDER REGARDING DISCOVERY DISPUTES**

Under Fed. R. Civ. P. 37(a)(1) and S.D. Ind. L.R. 37-1(a), a party must meet and confer in good faith to resolve a discovery dispute with another person or party before involving the court in the dispute. Ideally, the meet and confer shall occur in person to resolve the discovery issues; however, genuine attempts may be made virtually or telephonically if meeting in person is unfeasible. If the party has exhausted those efforts and the dispute still persists, they *must* seek a discovery conference with the Magistrate Judge before the filing of a formal motion to compel or contested motion for protective order in the manner set forth below:

- a) Discovery disputes generally. Except in the circumstances covered by (b) and (c) below, the party must (1) jointly or unilaterally file a motion for a discovery conference, setting forth very briefly and without argument the nature of the dispute *or* (2) jointly contact the Magistrate Judge's chambers to request a conference. If the latter, the court staff may direct the party to provide a brief

description of the dispute. The party must not unilaterally contact the Magistrate Judge's chambers regarding a discovery dispute absent compelling circumstances.

b) Disputes involving the failure to make *any* timely response whatsoever to a written discovery request. In this circumstance, the requesting party must still comply with the requirements of Fed. R. Civ. P. 37(a)(1) and S.D. Ind. L.R. 37-1(a) to meet and confer in good faith to resolve the matter with the person or party failing to make a response. However, the requesting party is not required to seek a discovery conference with the Magistrate Judge before filing a motion to compel.

c) Disputes involving an objection raised during a deposition that threatens to prevent the completion of the deposition. In this circumstance, the party must telephone the Magistrate Judge's chambers to determine whether the Magistrate Judge is available to hear argument and rule on the objection on the record of the deposition.

Although S.D. Ind. L.R. 37-1 provides that *pro se* parties are not generally subject to the requirements of the rule, Magistrate Judge Wildeman encourages the parties to follow this procedure for deposition objections involving *pro se* litigants or deponents if the objection threatens to prevent the completion of the deposition.

**SO ORDERED.**

Date: June 12, 2024



Crystal S. Wildeman  
United States Magistrate Judge  
Southern District of Indiana

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